

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

1. WILL PARDUE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. <u>CIV-14-1049-D</u>
)	
1. RURAL COMMUNITY INSURANCE)	<i>District Court of Tillman County,</i>
COMPANY, and)	<i>State of Oklahoma, Case No.</i>
2. HUMBLE INSURANCE AGENCY,)	<i>CJ-2014-16</i>
)	
Defendants.)	

DEFENDANT HUMBLE INSURANCE AGENCY'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Humble Insurance Agency (öHumbleö) removes this action from the District Court of Tillman County, Oklahoma to the United States District Court for the Western District of Oklahoma. In support thereof, Humble further alleges and states as follows:

**I.
BACKGROUND**

1. On September 2, 2014, Plaintiff Will Pardue (öPlaintiffö) filed his Petition in the District Court for Tillman County, Oklahoma, styled *Will Pardue v. Rural Community Insurance Company and Humble Insurance Agency*, Case No. CJ-2014-16 (öState Court Actionö).

2. This matter involves agricultural crop insurance. Plaintiff alleges he suffered losses to his canola crop in October of 2013 and suffered damages due to Humble's alleged failure to submit a request for a written agreement for canola crop

insurance to Defendant Rural Community Insurance Company (RCIC), which did not insure his 2013 canola crop.

3. Plaintiff sues Defendants seeking damages in an amount in excess of \$75,000.00 exclusive of costs, interest and attorney's fees.

4. Humble was served with process on September 9, 2014. RCIC was served on September 9, 2014.

II. PROCEDURAL REQUIREMENTS

5. With this Notice of Removal, Humble removes the State Court Action to this Court on the basis of diversity jurisdiction. A defendant may remove a case to federal court if the plaintiff could have originally filed suit in federal court. 28 U.S.C. § 1441. As further demonstrated below, Plaintiff could have initially brought this suit in federal court and the Court has diversity jurisdiction over this matter.

6. Humble was served with process on September 9, 2014. Consequently, this Notice of Removal is timely filed under 28 U.S.C. § 1446(b), within 30 days of service of the initial pleading setting forth the claim for relief.

7. The following Exhibits are attached per 28 U.S.C. § 1446(a) and LCvR 81.2(a):

- a) Exhibit 1 The State Court Action (Case No. CJ-2014-16) docket sheet dated September 24, 2014, as maintained by ODCR (On Demand Court Records);
- b) Exhibit 2 Plaintiff's Petition;
- c) Exhibit 3 Summons for RCIC;
- d) Exhibit 4 Summons for Humble; and

Exhibits 1 to 4 are true and correct copies of the entire file of record in the State Court Action.

8. Pursuant to 28 U.S.C. § 1446(a), Defendants also simultaneously file a copy of this Notice of Removal in the State Court Action.

**III.
VENUE IS PROPER IN THIS COURT**

9. Venue for removal is proper in the United States District Court for the Western District of Oklahoma, pursuant to 28 U.S.C. § 1441(a) because it is the United States District Court for the district and division encompassing the place where the State Court Action is pending. *See* 28 U.S.C. § 116(c).

**IV.
THIS COURT HAS DIVERSITY JURISDICTION**

10. Diversity jurisdiction exists in this matter. Where there is complete diversity among the parties and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs, an action may be removed to federal court. 28 U.S.C. §§ 1332(a), 1441(a).

11. Complete diversity exists in this case because the citizenship of Plaintiff is different from the citizenship of Defendants.

12. Plaintiff is a citizen of the State of Texas and a resident of Stephens County, Texas. *See*, Ex. 2. Pl.ø Pet. at 1, ¶1; *and see*, Mike Humble Aff., attached as Exhibit 5.

13. Humble is an insurance agency doing business as Humble Insurance Agency with its principal place of business in Grandfield, Oklahoma. *See id.* at 1, ¶4.

14. Contrary to Plaintiff's allegations, RCIC is not an Oklahoma or Texas corporation and does not have its principal place of business in the State of Kansas. *See*, Ex. 2, Pl.'s Pet. at 1, ¶3. Rather, RCIC is a Minnesota corporation with its principal place of business in Anoka, Minnesota. *See* Minnesota Secretary of State's Business Record Detail (reflecting RCIC's home jurisdiction and principal executive office address) attached as Exhibit 6.

**V.
AMOUNT IN CONTROVERSY**

15. Plaintiff seeks damages in excess of \$75,000.00, exclusive of interest and costs. *See*, Ex. 2, Pl.'s Pet. at 2-3, ¶¶12, 19 & 20.

**V.
CONCLUSION**

Because there is complete diversity among the parties and because the amount in controversy requirement is satisfied, this Court has jurisdiction pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and removal is proper.

WHEREFORE, Defendant Humble Insurance Agency removes Plaintiff's action from the District Court of Tillam County, Oklahoma, to the United States District Court for the Western District of Oklahoma, so that this Court may assume jurisdiction over the case as provided by law.

Respectfully submitted,

**PIERCE, COUCH, HENDRICKSON
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served upon counsel of record as listed below, on this the 29th day of September, 2014.

Jim Buxton

Via CM/ECF Electronic Service

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